

**REMARKS**

Claims 1-47 are pending in the application. Independent claim 43 has been allowed and dependent claims 14-26, 28, 29, 32, 33, 36-42, and 45-47 are allowable. Claims 1-13, 27, 30, 31, 35 and 44 stand rejected under 35 U.S.C §102 and/or §103. Applicants respectfully request reconsideration of the rejections in view of the following remarks.

At the outset, claims 13, 31, 32, and 43 have been amended to correct typographical and grammatical errors. No new matter has been added.

Claims 1-3, 5-8, 11, and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,649,838 to Lopez Sr. *et al.* ("*Lopez*"). (Office Action, p. 2) Applicants respectfully traverse this ground of rejection.

Independent claims 1 and 31 both recite, "a first movable hinge clip for pivotably connecting the base to the cover". The term "movable hinge clip" means a clip that can be moved or positioned to allow the cover to pivot open either vertically (i.e., upwards) or horizontally (i.e., sideways). Since the hinge clip is movable, the cover's orientation (i.e., direction of opening) can be changed even after the enclosure has been mounted over the electrical fixture. *See, e.g.*, Abstract, Specification at page 2, lines 15-21. Independent claim 31 (as amended) also recites "an adjustable-position cover comprising a front cover wall, a top cover wall, a bottom cover wall and two side cover walls." The term "adjustable-position cover" means a cover whose "orientation can be changed even after the enclosure has been mounted over the electrical fixture...." (Specification, p. 2, line 15-21.) Thus, in both claims 1 and 31, the cover's orientation can be changed.

In contrast, *Lopez* discloses a one-piece structure molded or formed from a rigid material, wherein a cover region and a base region are joined by a "hinge region". More

importantly, “[t]he hinge region 50 is created by reducing the cross-section of the material to create a flexible region in the material.” (*Lopez*, col. 4, line 9-12.) Unlike the movable hinge clip and adjustable-position cover of the present invention, once the “hinge region” disclosed in *Lopez* is formed or molded, the location of the hinge region is permanent (i.e., it is not movable) and the orientation of the cover region is fixed (i.e. it is not an adjustable-position cover).

Thus, *Lopez* does not disclose all of the elements recited in claims 1 and 31. Therefore, claims 1 and '31 are allowable. Claims 2-30 and 32-42 depend from claims 1 and 31 respectively and are allowable over *Lopez* for the same reasons.

Independent claim 44 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,965,844 to Lippa (“*Lippa*”). (Office Action, p. 4). Applicants respectfully traverse this ground of rejection.

Independent claim 44 is directed to a “cover plate”. The term “cover plate” relates to plates generally used in the electrical industry for covering electrical fixtures such as receptacles and switches in order to conceal, protect and prevent inadvertent access to the electrical wiring inside the fixture. In contrast, *Lippa* only discloses a mounting plate that enables the installation of spaced-apart electrical boxes abutting both sides of a wall stud so that the electrical boxes are in the same horizontal plane. (*Lippa*, Abstract, col. 1, line 59-63, col. 2, line 33-34 and 47-54). The fact that the mounting plate disclosed in *Lippa* is not a cover plate can be clearly seen in Figs. 11-12 of *Lippa*, which show that separate cover plates are needed to cover the electrical wiring contained in the electrical boxes attached to the mounting plate.

Further, claim 44 recites structural features of the cover plate that are not present in the mounting plate disclosed in *Lippa*. For example, claim 44 recites that the cover plate has an upper recess disposed on a top corner and a lower recess disposed on a bottom corner diagonally opposite from the upper recess. This limitation is not disclosed in *Lippa*. What the Examiner

describes as recesses in the mounting plate disclosed in *Lippa* are actually elongated openings rather than recesses. Further, these “elongated openings” are disposed along the edges and flange portion of the mounting plate (*Lippa* at col. 3, line 44-50) and not on opposing top and bottom corners of the cover plate. Claim 44 further recites a first horizontally elongated mounting hole disposed on an opposite top corner and a second horizontally elongated mounting hole disposed on an opposite bottom corner. This limitation is also not disclosed in *Lippa*. What the Examiner describes as “elongated mounting holes” in the mounting plate disclosed in *Lippa* are elongated openings that are not horizontally elongated. Further, as discussed previously, these elongated openings are not disposed on diagonally opposite top and bottom corners of the cover plate as required by claim 44.

Moreover, the recesses and mounting holes of the present invention function differently from the elongated openings disclosed in *Lippa*. In the present invention, the recesses and elongated mounting holes facilitate the positioning and removal of the cover plate from an enclosure. *See, e.g.*, Specification, p. 20, lines 6-8. In contrast, the elongated openings disclosed in *Lippa* facilitate adjustable connection of electrical boxes to the mounting plate. *See, Lippa*, col. 3, line 44-51, col. 4, line 5-11, and Figs. 4-5.

*Lippa* does not disclose all of the elements recited in claim 44 and, therefore does not anticipate claim 44. Claims 45-47 depend from claim 44 and are allowable over *Lippa* for the same reasons.

Dependent claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez*. (Office Action, p. 5) Applicants respectfully traverse this ground of rejection. Claim 34 depends from claim 31 and is allowable over *Lopez* for the reasons discussed above.

Dependent claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of U.S. Patent No. 4,469,238 to Ranalli (“*Ranalli*”). (Office Action, p. 5)

Applicants respectfully traverse this ground of rejection. Claim 4 depends from claim 1 and is allowable over *Lopez* for the reasons discussed above. *Ranalli* is cited by the Examiner for disclosing a transparent cover. However, similar to *Lopez*, *Ranalli* does not disclose or suggest a movable hinge clip as recited in claim 1. Thus, the combination of *Lopez* and *Ranalli* does not yield the present invention or render claim 4 obvious.

Dependent claims 9-10, 12-13, and 35 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Lopez* in view of U.S. Patent No. 4,266,683 to Sellinger (“*Sellinger*”). (Office Action, p. 6) Applicants respectfully traverse this ground of rejection.

Claims 9-10 and 12-13 depend from independent claim 1 and claim 35 depends from independent claim 31. Therefore, claims 9-10, 12-13, and 35 are allowable over *Lopez* for the reasons discussed above. *Sellinger* is cited by the Examiner for disclosing a removable cable cap and hood. However, *Sellinger* does not disclose or suggest a movable hinge clip as recited in claims 1 and 31 or an adjustable-position cover as further recited in claim 31. Further, *Sellinger* does not disclose a “hood” that shields a cable opening as recited in claim 10, 13, and 35. What the Examiner describes as a hood in the device disclosed in *Sellinger* is actually a removable “threaded cap” in a threaded cable opening. (*Sellinger*, col. 2, line 10-16.) Thus, the combination of *Lopez* and *Sellinger* does not yield the present invention or render claims 9-10, 12-13, and 35 obvious.

Dependent claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of *Lippa*. (Office Action, p. 6) Applicants respectfully traverse this ground of rejection. Claim 27 depends from independent claim 1 and is allowable over *Lopez* for the reasons discussed above. *Lippa* is cited by the Examiner for disclosing a cover plate with recesses and elongated mounting holes. However, *Lippa* does not disclose or suggest a movable hinge clip as recited in claim 1. Further, as discussed above, the device disclosed in

*Lippa* is not a cover plate and *Lippa* does not disclose or suggest the shape and positional relationship of the recesses and mounting holes recited in claim 27. Thus, the combination of *Lopez* and *Lippa* does not yield the present invention or render claim 27 obvious.

Dependent claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of *Lippa* as applied to claim 27, and further in view of U.S. Patent No. 5,763,831 to Shotey *et al.* ("*Shotey*"). (Office Action, p. 8). Applicants respectfully traverse this ground of rejection. Claim 30 depends from claim 27 (which, in turn, depends from claim 1) and is therefore allowable over the combination of *Lopez* and *Lippa* for the reasons discussed above. *Shotey* is cited by the Examiner for disclosing removable concentric ribs. However, *Shotey* does not disclose or suggest a movable hinge clip as recited in claim 1. Thus, the combination of *Lopez*, *Lippa* and *Shotey* also does not yield the present invention or render claim 27 obvious.

The Examiner objected to claims 14-26, 28-29, 32-33, 36-42 and 45-47 as being dependent on rejected base claims. (Office Action, p. 8) Applicants respectfully traverse this objection on the ground that these claims are allowable for the same reasons (*see above*) that their respective base claims (i.e., independent claims 1, 31 and 44) are allowable.

Appl. Ser. No.10/729,142  
Amdt dated July 28, 2004  
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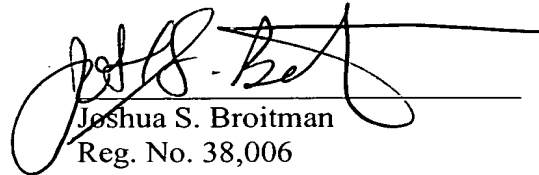
Attorney Docket No. CWD-026746-US-P1

For the reasons set forth above, Applicants believe that all claims pending in this application (1-47) are allowable and request that this case be passed to issue. However, if any issue remains to be resolved, Applicants request that the Examiner telephone the undersigned.

Respectfully submitted,

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Date



Joshua S. Broitman

Reg. No. 38,006

Ostrager Chong Flaherty and Broitman P.C.

250 Park Avenue, Suite 825

New York, New York 10177-0899

Tel. No. : (212) 681-0600

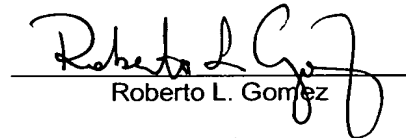
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Roberto L. Gomez